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MEMORANDUM ENDORSEMENT

Adams v. Town of Clarkstown et al

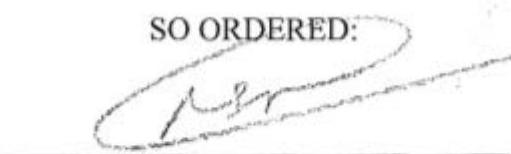
7:24-cv-05147 (NSR)

The Court is in receipt of Plaintiff's letter, dated June 4, 2025, requesting a pre-motion conference related to an anticipated motion to amend the Complaint. (ECF No. 55) (attached hereto). The Court is also in receipt of Defendants' letters in response (ECF Nos. 57-59) (attached hereto).

The Court waives the pre-motion conference and GRANTS Plaintiff's consent to request to amend the Complaint. Plaintiff shall have until July 3, 2025, to file an amended Complaint. Defendants shall have until July 24, 2025, to file an answer or otherwise respond to the amended Complaint. The pending motion to dismiss the original Complaint is hereby dismissed as moot without prejudice to renew. The Clerk of Court is directed to terminate the motion at ECF No. 37.

Dated: June 12, 2025
White Plains, NY

SO ORDERED:



NELSON S. ROMÁN
United States District Judge

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Honorable Nelson S. Roman
United States District Court
Southern District of New York
300 Quarropas Street
White Plains, NY 10601

Re: Kevin Adams as the Administrator of the Estate of Sean Harris v. Town of Clarkstown, et. al.
Docket No. 7:24-cv-05147-NRS

Your Honor,

We represent Defendant Rockland County in the above-captioned matter. We respectfully submit this letter in response to Plaintiff's request for a pre-motion conference.

Defendant Rockland County does not object to Plaintiff's request for leave to amend the Complaint to add additional parties.

Dated: Port Chester, New York
June 9, 2025

Yours, etc.,
O'CONNOR REDD ORLANDO LLP

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June 10, 2025

Via ECF

Hon. Charles L. Brieant Jr. Federal Building
and United States Courthouse
300 Quarropas St.
White Plains, New York 10601-4150

Attention: Hon. Nelson S. Roman

Re: Kevin Adams, as the Administrator of the Estate of Sean Harris v. Town of Clarkstown, Police Officers Does #1-60, Police Supervisor Doe #1, Detective Norm Peters, Rockland County, Access Supporters for Living, Access Caseworkers Jane Does #1-2, Rockland Paramedics, Paramedics Does #1-2, Nyack Community Ambulance Corps, EMT Kelly McHugh, EMT Rosa Latanzo
 Docket No.: 7:24-cv-05147-NSR
Our File No.: 12129.00334

Dear Judge Roman:

We represent defendant, Town of Clarkstown, in connection with the above-referenced matter. We write pursuant to this Court's June 5, 2025 Order DE # 56 in response to Plaintiff's letter requesting a pre-motion conference for an anticipated motion to amend the Complaint.

The Town does not believe a pre-motion conference is necessary, as the Town does not oppose Plaintiff's motion to amend the Complaint. However, the Town reserves all rights with respect to objections and affirmative defenses and notes that, upon initial review, the proposed amended complaint appears to contain a number of deficiencies, including inadequate allegations of deliberate indifference, duplicative pleading of claims for excessive force under the Fourth Amendment and violation of substantive due process under the Fourteenth Amendment (*see Graham v. Connor, 490 U.S. 386, 395, (1989)*), and inadequate allegations of personal participation in a violation of law by some defendants, including Det. Sgt. McDonald.

Thank you.

Respectfully submitted,

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP

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 Louisville, KY | McLean, VA | Merrillville, IN | Miami, FL | Milwaukee, WI | Nashville, TN | New Orleans, LA | New York, NY | Orlando, FL | Philadelphia, PA | Phoenix, AZ
 Raleigh, NC | San Diego, CA | San Francisco, CA | Sarasota, FL | Seattle, WA | Stamford, CT | St. Louis, MO | Washington, DC | West Palm Beach, FL | White Plains, NY

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A handwritten signature in black ink that reads "John M. Flannery".

John M. Flannery

cc via ECF: all counsel of record



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June 10, 2025

Via ECF & Email to: romannysdchambers@nysd.uscourts.gov

Hon. Nelson Stephen Roman
United States District Court
Southern District of New York
300 Quarropas Street
White Plains, New York 10601-4150

Re: **Kevin Adams as the Administrator of the
Estate of Sean Harris v. The Town of Clarkstown, et. al.**
Docket No. **7:24-cv-05147-NSR**
Our File: **113.1073**

Dear Judge Roman:

As you are aware, our law firm represents Defendants, Access: Supports for Living (hereinafter “Access”) and Access Caseworkers Jane Does #1-2, in regard to the above subject action. We write in response to plaintiff’s counsel’s letter of June 4, 2025, seeking a pre-motion conference with respect to a contemplated motion to amend the Complaint.

Upon reviewing plaintiff’s proposed Amended Complaint, it is pointed out that with respect to the Access Defendants, the only substantive changes are to identify Access as “Access Supports for Living (CARES Team)” and the Jane Doe Case Workers as Maureen Hyatt and Claritza Morales, both in the caption and the body of the proposed amended pleading. There are no different or further claims asserted against the identified Access parties, neither factually nor legally when compared with those asserted in the original Complaint.

While the Access Defendants have no objection to plaintiff’s request for a pre-motion conference, it is respectfully requested that assuming plaintiff is granted leave to amend the Complaint, that the Access Defendants’ pending Motion to Dismiss be decided without the need for any of the parties to re-brief the matter, as the only changes between the original Complaint and the proposed Amended Complaint, as it pertains to the Access Defendants, are to specifically identify the Access Cares Team and the who employees who responded. Therefore, it is requested that assuming plaintiff is granted leave to serve the proposed Amended Complaint, that the Access Defendants’ previously filed Motion to Dismiss be considered a Motion to Dismiss the Amended Complaint.

Thank you for the Court's attention to this matter.

Very truly yours,

SCHWAB & GASPARINI, PLLC



BY: _____

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